

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )

Requests for Waiver by

Gunter Independent School District  
Gunter, Texas

File Nos. SLD-265245, 265266, 265308

Federal-State Joint Board on  
Universal Service

CC Docket No. 96-45

Changes to the Board of Directors of the )  
National Exchange Carrier Association, Inc. )

CC Docket No. 97-21✓

### ORDER

**Adopted: January 14, 2003**

**Released: January 15, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1 Before the Telecommunications Access Policy Division are three requests by Gunter Independent School District (Gunter), Gunter, Texas to waive the Funding Year 2001 FCC Form 471 filing deadline established by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) for discount applications under the schools and libraries universal service mechanism.<sup>1</sup> For the reasons set forth below, we deny the requests.

2. SLD announced on November 2, 2000 that the Funding Year 2001 FCC Form 471 had to be postmarked by the application deadline of January 18, 2001 at 11:59 p.m. Eastern Standard Time.<sup>2</sup> All three of Gunter's applications were postmarked on February 1, 2001. Gunter gives no reasons why it missed the deadline.<sup>3</sup>

3. For reasons of fairness to other applicants, and in light of the thousands of applications that SLD reviews and processes each year, it is necessary to place on each applicant the

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<sup>1</sup> 47 C.F.R. §§ 54.502, 54.503; Letters from Dwana Uselton, Gunter Independent School District, to the Federal Communications Commission, filed March 1, 2002 (File Nos. SLD-265245 and 265266) and March 28, 2002 (File No. SLD-265308) (Waiver Requests). All three requests were appealed to SLD, all three were denied, and all three were then filed with the Commission. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

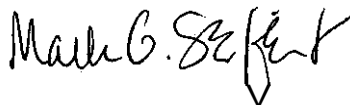
<sup>2</sup> SLD website, What's New (November 2, 2000), <<http://www.sl.universalservice.org/whatsnew/112000.asp#110200>>.

<sup>3</sup> Waiver Requests.

responsibility for timely submission of its application and supporting materials. Thus, we have consistently held that, absent special circumstances, applicants who request waiver of the FCC Form 471 deadline will be **denied**.<sup>4</sup> Here, Gunter fails to present good cause **as** to why it could not timely file its applications. We therefore find no basis for waiving the filing window deadline.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, **1.3**, and 54.722(a) of the Commission's rules, **47** C.F.R. §§ 0.91, 0.291, **1.3**, and 54.722(a), that the Waiver Requests filed by Gunter Independent School District, Gunter, Texas, on March 1 and 28, 2002 ARE DENIED.

## FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>4</sup> See *Request for Review by Scottsdale Horizons School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association*, File No. SLD-260237, CC Docket Nos. 96-45 and 97-21, Order, DA 02-2253, (Wireline Comp. Bur. rel. September 12, 2002), paras. 5-6.